

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

PUERTO RICO TELEPHONE COMPANY
INC.,

Plaintiff,

vs.

WORLDNET TELECOMMUNICATIONS,
INC.; *et al.*

Defendants

Civil No. 11-2263 (JAG)

RESPONSE TO MOTION TO CONSOLIDATE

Puerto Rico Telephone Company, Inc., by its attorneys, hereby respectfully submits the instant response to the Motion to Consolidate filed by Defendant Telecommunications Regulatory Board of Puerto Rico (“Board”) on August 27, 2012, (Mot. Consolidate, Docket No. 60), and requests that the Court put the Motion to Consolidate in abeyance. In support of this request, PRTC hereby pleads as follows:

1. The Motion to Consolidate requests the consolidation of the instant case with Case No. 12-cv-01683 (GAG) (hereinafter “Second Action”).
2. The Second Action, which was originally filed by PRTC with the Puerto Rico Court of Appeals, requested judicial review of a decision issued by the Board in an administrative proceeding. Although the claims in the Second Action arise exclusively under Puerto Rico law, the Board removed the case to this Court on August 21, 2012.
3. PRTC respectfully submits that the Motion to Consolidate is premature at this stage and, as such, should be put in abeyance. The Motion to Consolidate relies on the premise that consolidation is necessary to “prevent potentially contradictory rulings by this Court.”

(Mot. Consolidate at 3.) But for such a risk to even exist, the Court first would have to find that the Second Action was properly removed from the Puerto Rico Court of Appeals. PRTC thus respectfully requests that the Court in the instant case put the Motion to Consolidate in abeyance until PRTC has an opportunity to respond to the notice of removal that was filed in the Second Action and until the Honorable Judge Gustavo A. Gelpí rules on the motion for remand that PRTC will be filing in that case.

4. Since the Motion to Consolidate could become moot if the Second Action is remanded to the Puerto Rico Court of Appeals, the Court should allow that process to run its course in Case No. 12-cv-01683 before engaging in the transfer and consolidation of cases that would have to take place if the Motion to Consolidate is granted.

Respectfully Submitted,

PUERTO RICO TELEPHONE COMPANY, INC.

By: s/ Eduardo R. Guzmán

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August 30, 2012

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of August, 2012, a true and correct copy of the foregoing motion was filed on CM/ECF, which sent notice of such filing to all parties, as set forth below, and constitutes service under the Rules.

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